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ACTS OF A GENERAL NATURE,

PASSED BY THE

FORTY-SEVENTH GENERAL ASSEMBLY

OF THE

STATE OF OHIO,

BEGUN AND HELD IN THE CITY OF COLUMBUS,

DECEMBER 4, 1848,

AND

IN THE FORTY-SEVENTH YEAR OF SAID STATE.

VOL. XLVII.

COLUMBUS:

CHAS. SCOTT, STATE PRINTER.

1849.



ACTS OF A GENERAL NATURE.

AN ACT

Prescribing the times of holding the Supreme Court.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Supreme Court shall be holden hereafter in the several counties of this State, as follows, to wit :

In the county of Madison, April twenty-third ;
In the county of Fayette, April twenty-fifth ;
In the county of Highland, April twenty-seventh ;
In the county of Adams, May second ;
In the county of Brown, May fourth ;
In the county of Clermont, May seventh ;
In the county of Hamilton, May ninth ;
In the county of Butler, May thirtieth ;
In the county of Warren, June first ;
In the county of Clinton, June fourth ;
In the county of Greene, June sixth ;
In the county of Clark, June eighth ;
In the county of Montgomery, June eleventh ;
In the county of Preble, June fourteenth ;
In the county of Darke, June sixteenth ;
In the county of Miami, June eighteenth ;
In the county of Shelby, June twentieth ;
In the county of Mercer, June twenty-second ;
In the county of Auglaize, June twenty-third ;
In the county of Allen, June twenty-fifth ;
In the county of Hardin, June twenty-seventh ;
In the county of Logan, June twenty-eighth.
In the county of Champaign, June twenty-ninth ;
In the county of Union, July second ;
In the county of Delaware, July third ;
In the county of Marion, July fifth ;
In the county of Crawford, July seventh ;
In the county of Wyandot, July ninth ;
In the county of Seneca, July tenth ;
In the county of Hancock, July twelfth ;
In the county of Putnam, July fourteenth ;
In the county of Vanwert, July sixteenth ;
In the county of Paulding, July seventeenth ;
In the county of Defiance, July nineteenth ;
In the county of Williams, July twenty-first ;
In the county of Henry, July twenty-third ;

In the county of Lucas, July twenty-fourth ;
 In the county of Wood, July twenty-sixth ;
 In the county of Ottawa, July twenty-eighth ;
 In the county of Sandusky, July thirtieth ;
 In the county of Erie, August first ;
 In the county of Huron, August third ;
 In the county of Lorain, August sixth ;
 In the county of Cuyahoga, August eighth ;
 In the county of Geauga, August fifteenth ;
 In the county of Lake, August seventeenth ;
 In the county of Ashtabula, August twentieth ;
 In the county of Trumbull, August twenty-third ;
 In the county of Mahoning, August thirty-first ;
 In the county of Portage, September first ;
 In the county of Summit, September fourth ;
 In the county of Medina, September tenth ;
 In the county of Wayne, September twelfth ;
 In the county of Ashland, September fifteenth ;
 In the county of Richland, September seventeenth ;
 In the county of Morrow, September nineteenth ;
 In the county of Knox, September twentieth ;
 In the county of Licking, September twenty-fourth ;
 In the county of Coshocton, September twenty-eighth ;
 In the county of Holmes, October first ;
 In the county of Tuscarawas, October third ;
 In the county of Carroll, October fifth ;
 In the county of Stark, October eighth ;
 In the county of Columbiana, October tenth ;
 In the county of Jefferson, October twelfth ;
 In the county of Harrison, October fifteenth ;
 In the county of Belmont, October sixteenth ;
 In the county of Monroe, October nineteenth ;
 In the county of Guernsey, October twenty-second ;
 In the county of Muskingum, October twenty-third ;
 In the county of Morgan, October twenty-sixth ;
 In the county of Washington, October twenty-ninth ;
 In the county of Meigs, October thirty-first ;
 In the county of Gallia, November second ;
 In the county of Lawrence, November fifth ;
 In the county of Scioto, November seventh ;
 In the county of Pike, November ninth ;
 In the county of Jackson, November twelfth ;
 In the county of Athens, November fourteenth ;
 In the county of Hocking, November sixteenth ;
 In the county of Perry, November seventeenth ;
 In the county of Fairfield, November nineteenth ;
 In the county of Ross, November twenty-third ;
 In the county of Pickaway, November twenty-sixth ;
 In the county of Franklin, November twenty eighth ;
 And the Court in Bank, December third.

SEC. 2 Should any day named herein for the holding of the said Supreme Court, fall upon Sunday, the said Court shall commence and be holden upon the next day.

SEC. 3. So much of the act to regulate the Judicial Courts, and the practice thereof, passed March twelve, one thousand eight hundred and forty-five, as requires the Court in Bank to be holden twice in each year, is hereby suspended.

JOHN G. BRESLIN,
Speaker of the House of Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 20, 1848. [1849]

AN ACT

To fix permanently the times of holding the Courts of Common Pleas in the Second Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Court of Common Pleas shall be held in the several counties of the second judicial circuit, as follows: in Marion, on the first Tuesday of March, the last Tuesday in May and of October; in Delaware, on the second Tuesday after the commencement of the first term, the first Tuesday after the commencement of the second term, and on the second Tuesday after the commencement of the third term of said Court in Marion; in Crawford, on the second Tuesday after the commencement of the first term, the second Tuesday after the commencement of the second term, and on the second Tuesday after the commencement of the third term of said Court in Delaware; in Seneca, on the first Tuesday after the commencement of the first term, the first Tuesday after the commencement of the second term, and on the first Tuesday after the commencement of the third term of said Court in Crawford; in Wyandot, on the second Tuesday after the commencement of the first term, on the first Tuesday after the commencement of the second term, and on the second Tuesday after the commencement of the third term of said Court in Seneca; in Morrow, on the last Tuesday of February, fourth Tuesday of May, and of September.

Marion county.
 Delaware county.

Crawford county.

Seneca county.

Wyandot county.

Morrow county.

SEC. 2. All acts inconsistent with this are hereby repealed.

JOHN G. BRESLIN,
Speaker of the House of Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 16, 1849.

AN ACT

To amend the act entitled "an act to fix permanently the times of holding the Courts of Common Pleas in the Second Judicial circuit," passed Feb. 1849.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Court of Common Pleas shall be held in the several counties of the second judicial circuit, as follows: in Morrow, on the last Tuesday of February, of May and of September; in Marion, on the first Tuesday of March, of June and of October; in Delaware, on the third Tuesday of March, the second Tuesday of June, and the third Tuesday of October; in Crawford, on the second Tuesday after the commencement of the first term, the first Tuesday after the commencement of the second term, and the second Tuesday after the commencement of the third term of said Court in Delaware; in Seneca, on the first Tuesday after the commencement of the first term, the first Tuesday after the commencement of the second term, and on the first Tuesday after the commencement of the third term of said Court in Crawford; in Wyandot, on the second Tuesday after the commencement of the first term, on the first Tuesday after the commencement of the second term, and on the second Tuesday after the commencement of the third term of said Court in Seneca.

SEC. 2. All acts inconsistent with this, are repealed.

JOHN G. BRESLIN,

Speaker of the House of Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 8, 1849.

AN ACT

To amend an act entitled "an act prescribing the times of holding the Courts of Common Pleas in the third Judicial Circuit," passed January 5, 1848.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Court of Common Pleas shall hereafter be held in the several counties of the third judicial circuit at the time herein prescribed, to wit: in the county of Trumbull, on the fourth Tuesday of February, the fifth Tuesday of May and the fourth Tuesday of August; in the county of Mahoning, on the second Tuesday of March, the second Tuesday of June and the second Tuesday of September; in the county of Portage, on the fourth Tuesday of March, the fourth Tuesday of June, and the fourth Tuesday of September; in the county of Ashtabula, on the second Tuesday of April, on the second

Tuesday of July, and on the second Tuesday of October; and in the county of Summit, on the fourth Tuesday of April, the fourth Tuesday of July, and the fourth Tuesday of October.

SEC. 2. The first section of the act to which this is an amendment, passed the fifth day of February, eighteen hundred and forty-eight, is hereby repealed.

JOHN G. BRESLIN,
Speaker of the House of Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

Feb. 7, 1849.

AN ACT

Fixing the time of holding the the Court of Common Pleas in the seventh Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Courts of Common Pleas shall hereafter be held, in the several counties of the seventh judicial circuit, at the several times herein prescribed, namely, in the county of Butler on the third Tuesday of February, May and September; in the county of Greene on the third Tuesday next succeeding the commencements of the several terms in the county of Butler; Provided, that when, by the provisions of this act, it shall so happen that the fall term of said court will commence in the county of Greene on the second Tuesday of October, then said court shall commence in said county of Greene, on the Wednesday next succeeding the said second Tuesday of October; in the county of Clinton on the second Tuesday next succeeding the spring and fall terms of said court in the county of Greene, and on the third Tuesday of July; and in the county of Warren on the second Tuesday next succeeding the spring and fall terms of said court in the county of Clinton, and on the third Tuesday of August.

JOHN G. BRESLIN,
Speaker of the House of Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

Feb. 16, 1849.

AN ACT

To fix the times for holding the Court of Common Pleas in the Tenth Judicial Circuit.

SEC. 1 *Be it enacted by the General Assembly of the State of Ohio*, That the Court of Common Pleas shall hereafter be annually held in the several counties in the tenth judicial circuit, at the times hereinafter prescribed, to wit:

First Term.

SEC. 2. The first term of said court in each year shall be commenced and held:

In the county of Clermont, on the first Tuesday in March;
In the county of Highland, on the fourth Tuesday of March;
In the county of Brown, on the second Tuesday of April;
In the county of Fayette, on the fourth Tuesday of April;
In the county of Adams, on the first Tuesday of May.

Second Term.

SEC. 3. The second term of said court shall be commenced and held:

In the county of Clermont, on the second Tuesday of July;
In the county of Highland, on the last Tuesday of July;
In the county of Brown, on the second Tuesday of August;
In the county of Fayette, on the fourth Tuesday of August;
In the county of Adams, on the first Tuesday of September.

Third Term.

SEC. 4. The third term of said court shall be commenced and held:

In the county of Clermont on the third Tuesday of September;
In the county of Highland, on the second Wednesday of October;

In the county of Brown, on the fourth Tuesday of October;
In the county of Fayette, on the second Tuesday of November;
In the county of Adams, on the third Tuesday of November.

SEC. 5. All acts and parts of acts, inconsistent with this act are hereby repealed.

JOHN G. BRESLIN,
Speaker of the House of Reps.
BREWSTER RANDALL
Speaker of the Senate.

Feb. 16, 1849.

AN ACT

To amend the act entitled "an act fixing the times of holding the Courts of Common Pleas in the eleventh Judicial Circuit" passed February 7, 1848.

Summer Term,
Medina county

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Summer term of the Court of Common Pleas for the eleventh judicial circuit for Medina county, shall hereafter be held in said county on the fourth Monday after the first Monday of May.

SEC. 2. So much of the act entitled "an act fixing the times of holding the Courts of Common Pleas in the eleventh judicial circuit," inconsistent with the provisions of this act, is hereby repealed. Act repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL
Speaker of the Senate.

March 9, 1849.

AN ACT

To amend an act entitled "an act fixing the times of holding the Courts of Common Pleas in the eleventh Judicial Circuit," passed February 7th, 1848.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Fall term of the Court of Common Pleas in the eleventh Judicial Circuit shall be held in the county of Richland on the fourth Monday after the first Monday of October; and in the county of Knox on the third Monday of of November annually.

SEC. 2. All laws and parts of laws inconsistent with the provisions of this act, are hereby repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 24, 1849.

AN ACT

To amend an act entitled "an act prescribing the times of holding the Court of Common Pleas in the twelfth Judicial Circuit," passed February 2, 1848.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Court of Common Pleas shall hereafter be held in the several counties of the twelfth judicial circuit at the times hereinafter prescribed, namely: in Franklin county on the thirteenth day of March, the fifth day of June, and the eighteenth day of September; in the county of Madison on the tenth day of April, the twenty-sixth day of June, and the fourth day of September; in the county of Clark on the seventeenth day of April, the third day of July, and the ninth day of October; in the county of Champaign on the first day of May, the seventeenth day of July, and the twenty-third

day of October ; in the county of Logan on the fifteenth day of May, the thirty-first day of July, and the sixth day of November ; in the county of Union on the twenty-ninth day of May, the fourteenth day of August, and the twentieth day of November. Any thing in the act to which this is an amendment to the contrary notwithstanding.

JOHN G. BRESLIN,
Speaker House Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

February 2d, 1849.

AN ACT

Prescribing the times of holding Courts of Common Pleas in the thirteenth Judicial Circuit.

- SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Court of Common Pleas shall hereafter be held in the several counties composing the thirteenth judicial circuit, as follows, viz : In the county of Erie on the third Monday of February, the third Monday of May and the first Monday of October of each year.
- Erie county.
- In the county of Huron on the second Monday of March, the first Monday of June and the third Monday of September.
- Huron county.
- In the county of Sandusky on the fourth Monday of March, the third Monday of June and the third Monday of October.
- Sandusky county.
- In the county of Wood on the first Monday of April and the fourth Monday of October.
- Wood county.
- In the county of Lucas on the first Friday after the first Monday in April, the fourth Monday in June, and the first Friday after the fourth Monday in October.
- Lucas county.
- In the county of Ottawa on the first Tuesday in May and the second Tuesday of September in each year.
- Ottawa county.

SEC. 2. That all former acts inconsistent with this act prescribing the times for holding courts in the thirteenth circuit are hereby repealed.

JOHN G. BRESLIN,
Speaker House Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

Feb. 23, 1849.

AN ACT

To amend the act entitled "an act prescribing the times of holding the Court of Common Pleas in the fourteenth Judicial Circuit, and for other purposes," passed February 2, 1848.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the first term of the Court of Common Pleas, within and for the county of Lorain, shall be held on the second Tuesday of February, and the second term thereof on the third Tuesday of May in each year; and the second term of the Court of Common Pleas within and for the county of Geauga shall be held on the first Tuesday of June, and the third term thereof on the last Tuesday of October in each year.

SEC. 2. That so much of the above named act as conflicts with the provisions of this act, be, and the same is hereby repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 23, 1849.

AN ACT

Amendatory of the act prescribing the times of holding the Court of Common Pleas in the Fourteenth Judicial Circuit.

WHEREAS, by the provisions of an act, passed February second, one thousand eight hundred and forty eight, entitled, "an act prescribing the times of holding the Court of Common Pleas [in the] fourteenth judicial circuit and for other purposes," a term of said Court is required to be held on the first Tuesday of March, in each year, in the county of Cuyahoga, and whereas the terms of office of the Honorable Joseph Hayward and the Honorable Asher M. Coe, Associate Judges of said county expired on the ninth day of February, of the present year, and whereas the successors of said Hayward and Coe were not elected in time to enable them to qualify by taking the oath of office and having the same indorsed on their respective commissions as required by law, in season to take seats upon the bench of said Court, so as to form a quorum, together with the other Judges of said Court, and hold the said term of said Court the present year, and whereas the large amount of criminal as well as other business pending before said Court renders it highly desirable that said term should be saved for the transaction of criminal and as far as possible of other business, Therefore,

term for Cuyahoga county to be held March 9.

process, how returnable.

recognizance, venires, &c. heretofore issued, returnable to said term.

Grand jury to sit on the first day.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That a term of said Court of Common Pleas for the county of Cuyahoga shall be held on the nineteenth day of March, A. D. 1849, and all process heretofore issued and returnable to said March term of said Court, shall be construed to be returnable to the term hereby authorized to be held, and all recognizance entered into for the appearance at said March term of witnesses, or of persons charged with the commission of crime shall be construed to be for their appearance at the term hereby authorized to be held, and the venires which have been issued, directing the Sheriff of said county to summon a grand and a petit jury for the said March term, shall be construed to have been issued for a grand and a petit jury for the term hereby provided for, and the legal service of such venires already made shall be held to be good service for the purpose of the term hereby authorized to be held, and said grand jury shall assemble on the first day of the term hereby authorized to be held.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 10, 1849.

AN ACT

To fix the times of holding the Courts of Common Pleas in the Fifteenth Judicial Circuit.

Spring term.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Spring terms of the Court of Common Pleas in the fifteenth judicial circuit, shall be held in the county of Belmont on the Tuesday nearest to the fourth day of March; in the county of Guernsey, on the third Tuesday thereafter; in the county of Monroe, on the second Tuesday thereafter; in the county of Harrison, on the second Tuesday thereafter; in the county of Jefferson, on the second Tuesday thereafter.

Summer term.

SEC. 2. The summer terms of said Court shall be held in the county of Belmont, on the Tuesday nearest to the first day of June; in the county of Guernsey, on the third Tuesday thereafter; in the county of Monroe, on the Tuesday nearest to the first day of August; in the county of Harrison, on the second Tuesday thereafter; in the county of Jefferson, on the second Tuesday thereafter.

Fall term.

SEC. 3. The fall terms of said Court shall be held in the county of Belmont, on the Tuesday nearest to the fifteenth day of September; in the county of Guernsey, on the third Tues-

day thereafter, except when it is the second Tuesday of October, and then on the Wednesday, or next day thereafter; in the county of Monroe, on the second Tuesday thereafter; in the county of Harrison, on the second Tuesday thereafter; in the county of Jefferson, on the second Tuesday thereafter.

SEC. 4. Writs of summons and subpoenas in chancery, issued during a term of said Court in any one of said counties, and made returnable forthwith, or to such term, may be returned on or before the third day after the last day of such term, and such return shall place the cause in the same situation as to the rules of pleading and trial, as if such process had been returned during the term.

Writs may be returned on third day of term.

SEC. 5. So much of the act of March 12, 1844, entitled, "an act permanently fixing the times of holding the Courts of Common Pleas in the fifteenth judicial circuit," as relates to the the times of holding Courts, and the continuance of a term of said Courts for the return of process, and all other laws, inconsistent with this act, are hereby repealed.

Acts repealed.

SEC. 6. This act to take effect from and after the tenth day of March next.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 23, 1849.

AN ACT

Prescribing the times of holding the Courts of Common Pleas in the Sixteenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Courts of Common pleas, in the sixteenth judicial circuit, shall be held at the several times herein prescribed:

Spring Term.—In the county of Shelby, on the first day of May; in the county of Allen, on the twenty-sixth day of March; in the county of Hancock, on the second day of April; in the county of Hardin, on the tenth day of April; in the county of Auglaize, on the seventeenth day of April; in the county of Mercer, on the twenty-fourth day of April.

Spring term.

Summer Term.—In the county of Mercer, on the tenth day of July; in the county of Auglaize, on the seventeenth day of July; in the county of Allen, on the twenty-first day of August; in the county of Hancock, on the sixth day of August; in the county of Hardin, on the fourteenth day of August; in the county of Shelby, on the twenty-third day of July.

Summer term.

all term.

Fall Term.—In the county of Mercer, on the second day of October; in the county of Auglaize, on the twenty-third day of October; in the county of Allen, on the twenty-ninth day of October; in the county of Hancock, on the fifth day of November; in the county of Hardin, on the thirteenth day of November; in the county of Shelby, on the tenth day of October: Provided, that if in any year, any of the above days shall fall on Sunday, the Courts shall commence on the day following.

SEC. 2. All laws and parts of laws, inconsistent with the provisions of this act, are hereby repealed.

SEC. 3. This act shall take effect, and be in force from and after its passage.

When Clerk
may issue writs
and draw juries
at any time be-
fore the setting
of Court.

SEC. 4. The Clerk of the Court of Common Pleas of any of said counties in which there shall not be sufficient time to draw jurors and issue writs of venire facias before the first term, as is pointed out in the 4th section of the act relating to juries, shall nevertheless draw juries and issue writs at any time before the setting of such Courts, and the Court when convened may order the same to be returned forthwith, and the Sheriff to whom any writ may be issued shall serve and return the same according to the command thereof, and such service and return shall be as valid as if such writ had been issued thirty days previous to the Court.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 20, 1849.

AN ACT

Prescribing the times of holding the Courts of Common Pleas in the eighteenth Judicial Circuit.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Court of Common Pleas shall hereafter be held in the several counties of the eighteenth judicial circuit at the times hereafter prescribed:

SEC. 2. In the county of Defiance on the fourth Monday in March, the first Tuesday in July and on the third Monday in September; in the county of Williams on the first Monday in May, on the second Tuesday in July, and on the third Tuesday in November; in the county of Putnam on the third Tuesday in April, third Tuesday in July and the fourth Tuesday in November; in the county of Van Wert on the second Tuesday in April, and the fourth Tuesday in October; in the county of

Henry on the first Tuesday in May, and the first Tuesday in November; in the county of Paulding on the fourth Tuesday in April, and second Tuesday in October.

SEC. 3. That the act passed February twenty-second eighteen hundred and forty-eight prescribing the times of holding the Courts in the eighteenth judicial circuit, is hereby repealed.

JOHN G. BRESLIN,
Speaker House Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

March 12, 1849.

17

AN ACT

To amend the act entitled "an act to institute proceedings against corporations not possessing banking powers, and the visitatorial powers of Courts, and regulating Corporations generally."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the last board of directors of an expired or dissolved corporation become unable, for want of a quorum, to act as trustees for closing the affairs of said corporation, by a refusal, or by neglect of a part of such trustees to act, it shall be lawful for any number of such last board of directors, to apply to the court of Common Pleas of the proper county, to declare vacant the places of such trustees as neglect or refuse to act, and such court shall be authorized to empower the remaining trustees, not less than two in number, or to appoint any other number of persons not exceeding three in number, to perform the duties of trustees under the fourteenth section of the act, passed March 7, 1842, entitled "an act instituting proceedings against corporations not possessing banking powers, and the visitatorial powers of courts, and regulating corporations generally."

Court may authorize two trustees to act.

Or may appoint others.

SEC. 2. All applications made under the foregoing section shall be according to the course of proceedings in chancery, and the court hearing the same, may, on the same petition, make needful orders against any former trustees or against any assignees of such corporation, for the conveyance of property by them held, and for the assignment of all rights in them vested, and also for the delivery of all books and papers touching the affairs of such corporation, which order may be enforced by process, or by its terms operate as a conveyance and transfer.

Form of proceedings and power of court.

SEC. 3. The trustees so appointed, and all successors of such trustees shall succeed to all the rights vested in their predecessors, whether trustees or assignees, and all securities and effects by them held or acquired, and all judgments recov-

Trustees appointed shall succeed to all the rights of their predecessors.

ered, whether in favor of the corporation to which they succeed or in the names of the trustees of such corporation, shall enure to the succeeding trustees, and pass by operation of law as fully as if the same were assigned.

Trustees may
use the seal of
the corporation

SEC. 4. The trustees shall be authorized to use the corporate name of such dissolved corporation in the prosecution of all suits needful to recover possession of property, real and personal, which had belonged to such corporation, or been vested therein, or to prosecute suits at law or in equity, or any cause of action which accrued to such corporation prior to its dissolution, or which, but for such dissolution would have accrued, in favor of such corporation, and to prosecute any writ of error or exhibit a bill of review in the same manner and with like effect as if such corporation were not dissolved, and the trustees shall receive the proceeds of all such suits and apply the same according to the above recited act.

And may prosecute suits.

Judgments may
be revived.

SEC. 5. Judgments and decrees in favor of such corporation, which shall have become dormant, or which may become so, may be revived in favor of such corporation for the use of such trustees in the same manner and with like effect as if such corporation were not dissolved.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 21, 1849

AN ACT .

To further amend the act entitled "an act to regulate the practice of the judicial courts."

Defendant may
take judgment
for costs in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if judgment be rendered for the defendant, in an action of ejectment; or in an action in the name of the State on the relation of, or for the use of any person or corporation; or in an action in favor of a nominal plaintiff, for the use and benefit of any person or corporation—any such appearing on record, such defendant may take judgment, if he desire it, for costs against the lessor of the plaintiff, or relator, or person for whose use or benefit such action may have been brought.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 23, 1849.

AN ACT

To authorize the establishment of separate schools for the education of colored children, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the trustees of each incorporated township in this State, and the trustees, visitors, and directors of schools, or other officers having authority in the premises, of each city and incorporated town or village, shall be and they are hereby authorized and required respectively, in case they shall not deem it expedient to admit the colored children resident in any such township, city, town or village, into the regular common schools therein established, to create one or more school districts for colored persons, in every such township, city, town or village, which district or districts, shall include all the territories thereof; and in laying off said districts, and in altering the same, they shall be governed in all respects by the provisions of the act for the support and better regulation of common schools, etc., passed March 7, 1838.

SEC. 2. Whenever any district shall be established as aforesaid, the trustees or other authorities establishing the same, shall give notice, by public advertisement, to the adult male colored tax payers residing in such district, to meet at a time and place specified in the notice, and choose their school directors, and such meeting, and all subsequent meetings, for the election of directors, and for other purposes, shall be held and conducted as is directed in respect to meetings for like objects by the said act of March 7, 1838, and the acts amending the same: and the powers, rights, and duties of the directors so chosen, and of their successors, shall be the same in respect to the school officers of their several districts, as are conferred upon, or required of school districts by said acts.

SEC. 3. The trustees or other authorities establishing separate districts, as aforesaid, shall cause an accurate list to be made as speedily as possible, of all colored tax payers, and of all colored youth over four and under twenty-one years of age, resident therein, and shall certify it to the county Auditor, who shall preserve the same in his office; and no property of any colored tax payer within said districts shall be charged with any special tax for district purposes, for the benefit of the schools in any regular district, composed wholly or in part of the same territory; and no property of any white person in any regular district, shall be charged with any such tax for the benefit of the schools in any separate district composed wholly, or in part, of the same territory.

SEC. 4. Every separate district, established as aforesaid, shall be held to include for school purposes, only the colored persons resident within its territorial limits, and from and after the

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establishment of the same, the colored youth resident therein, shall attend the schools organized under the directors of such district; and the powers and duties of county auditors, county treasurers, township trustees, township treasurers, township clerks, district treasurers, and district clerks and other officers in regard to such separate district and the schools established therein, shall be the same as now are or may be exercised or performed by said officers respectively, in relation to the regular districts, and the schools established therein, and said districts and schools shall in all respects except so far as this act provides to the contrary, be governed by and have the benefit of all the provisions of said act of March 7, 1838, and the amendatory acts, and all acts relating to schools in cities, towns, or villages, modifying the same.

SEC. 5. The term colored as used in this act, shall be construed as being of the same signification as the term "black or mulatto," as used in former acts.

SEC. 6. The act entitled an act to provide for the establishment of common schools for the education of black and mulatto persons, etc., passed February 24th, 1848, and the act to regulate black and mulatto persons, passed January 5th, 1804, and the several acts to amend the same, passed January 5th, 1807, and February 27th, 1834, and all parts of other acts, so far as they enforce any special disabilities or confer any special privileges on account of color, are hereby repealed, except the act of the 9th February, 1831, relating to juries, and the act of the 14th March, 1831, for the relief of the poor; Provided, however, that if any person shall bring or cause to be brought, or shall aid in bringing or causing to be brought, or shall persuade or induce to come into this State, any person or persons, who is or are likely to become chargeable as paupers in any township of this State, or to become vagrants, every such person so offending shall forfeit and pay a fine not exceeding five hundred dollars, to be recovered, with costs of suit, in any court having jurisdiction by action of debt, in behalf of the State of Ohio, or by indictment, and shall also be imprisoned until such fine be paid, unless the court shall otherwise direct.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

Feb. 10, 1849.

Powers and duties of county and township officers.

By what acts sch'ls govern'd.

Meaning of the term "color'd."

Acts repealed.

Exceptions.

Penalty for bring'g paupers into the State.

AN ACT

To amend an act entitled an "an Act to encourage Teachers' Institutes," passed February 8th, 1847.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of the several counties mentioned in the act to which this is an amendment, shall be, and they are hereby authorized, at their June session, in each year, whenever, for any cause, the sum of one hundred dollars shall not arise from the means and source as provided in the first section of the aforesaid act, to appropriate such sum as shall be sufficient to make up said sum of one hundred dollars, from any moneys in the county treasury not otherwise appropriated. County commissioners may appropriate \$100.

SEC. 2. That in case there are no moneys at the disposal of the said county commissioners, they are hereby authorized to levy a tax (in the usual manner) for the purposes named in the preceding section. May levy a tax.

SEC. 3. That no part of the money appropriated by virtue of this act, or of the act to which this is an amendment, shall be ordered by the county auditor to be paid over, except upon the petition of at least forty practical teachers, who shall therein declare their bona fide intention to attend such association within their respective counties, and who shall also, at the time of so petitioning as aforesaid, be permanent residents of the county in which application shall be made; and which payment and appropriation shall also be approved and recommended in writing, endorsed upon said petition by the board of school examiners of such county. Money, how & for what appropriated.

SEC. 4. That said sum of one hundred dollars, nor any part thereof, shall not be ordered by the county auditor to be paid over as aforesaid, until said teachers shall have first raised and paid over, or secured to be paid over, to said board of school examiners, for the purposes and benefit of such association, at least one half of the sum for which they shall so petition said county auditor, and which payment, or security for payment, as aforesaid, shall be made known to said auditor, by the receipt, or certificate in writing of said board of school examiners. Not to be paid over until teachers raise half the amount asked for.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

Feb. 16, 1849.

AN ACT

To authorize County Commissioners to allow Guard Fees in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the county commissioners of each county in this State, are hereby authorized and required to audit and allow a reasonable compensation to any person who may be summoned by any sheriff or constable, or other officer, (as the case may be) in the execution of any writ or process in favor of the State of Ohio, so that such compensation shall not exceed one dollar per day ; such compensation only to be allowed upon certificate of such officers.

SEC. 2. This act to take effect and be in force from and after its passage.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 23, 1849.

AN ACT

To repeal an act entitled an act prescribing the duties of Supervisors, and relating to roads and highways, passed January 15th, 1845.

Act repealed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act entitled an act to amend an act prescribing the duties of Supervisors, and relating to roads and highways, passed January 15th, 1845, be and the same is hereby repealed.

Act revived.

SEC. 2. That so much of the eighty-second section of the act prescribing the duties of Supervisors, and relating to roads and highways, passed March 20th 1837, as was repealed by the amendatory act passed January 15th, 1845, be and the same is hereby revived.

SEC. 3. This act to take effect from and after the first day of April next.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

Feb. 23, 1849.

AN ACT

To repeal the "act to provide for registering the names of electors, and to prevent frauds at elections;" passed March 13th, 1845.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the act entitled "an act to provide for registering the names of electors, and to prevent frauds at elections," passed March 13th, 1845, be and the same is hereby repealed; Provided, that no rights, privileges or franchise acquired under said act, shall in anywise hereby be impaired.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

Feb. 23, 1849.

AN ACT

To provide for the punishment of an offence therein named.

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any person or persons shall, either during the life of the divisor, testator, or testatrix, or after his or her death, steal, or for any fraudulent purpose destroy or secrete any will, codicil, or other testamentary instrument, whether the same relate to real or personal estate, or both, or shall procure the same to be done, every such person shall, upon conviction thereof, be imprisoned in the Penitentiary, and kept at hard labor not less than one year, nor more than ten years, at the discretion of the court.

Punishment for stealing or secreting will, or testament, or any instrument.

SEC. 2. That all prosecutions under the provisions of this act shall be by indictment before the court of common pleas, in the county where the crime shall have been committed, and they shall be conducted in the same manner as provided in the thirty-eighth section of the act, entitled "an act providing for the punishment of crimes, passed March 7, 1835."

Prosecutions to be by indictment.

SEC. 3. That it shall not be necessary in any indictment, for the offence herein named, to allege that such will, codicil or other instrument is the property of any person, or that the same is of any value.

Not necessary to allege the property to be of value.

SEC. 4. This act to take effect, and be in force from, and after the first day of June next.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

Feb. 23, 1849.

AN ACT

For the better regulation of the Public Schools in cities, towns, &c.

Towns of 200 inhabitants may be single school districts.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any incorporated city or town in this State, or any incorporated town or village, except such city, town or village as is now in whole or part governed as to schools by some special law heretofore passed, containing within the town or village plot, as laid out and recorded, two hundred inhabitants or more, with the territory attached, or hereafter to be attached to said city, town or village, for school purposes, may be organized into and established as a single school district, in the manner and with the powers hereinafter specified, but the provisions of this act shall not apply to any city, town or village, or any part thereof, which is now governed as to schools by any special law.

Qualif'd voters to vote for or against the adoption of this act.

SEC. 2. That in order to such organization, written notices shall be posted up in three or more of the most public places in said contemplated district, signed at least by six resident freeholders of the same, requesting the qualified electors in said district to assemble upon a day, and at some suitable place in said district, to be named in said notices, then and there to vote, by ballot, for or against the adoption of this act, which notices shall be so posted up at least ten days next prior to said meeting.

Manner of casting such vote.

SEC. 3. That the electors assembled at said time and place shall proceed to appoint a chairman, assistant chairman, and clerk, who shall be judges of said election. That the electors in favor of the adoption of this act for said district, shall write upon their ballots, "school law," and those opposed thereto, shall write upon their ballots, "no school law," the adoption or rejection of this act to be determined by a majority of the votes to be cast in manner aforesaid.

Directors to be chosen.

SEC. 4. That in case a majority of votes shall have been cast for said law, the electors of said districts shall assemble at the place last aforesaid, within twenty days from the time of the adoption of said act, of which at least ten days previous notice shall be given by said chairman and clerk, in the manner aforesaid, and shall then choose by ballot six directors of the public schools of said district, two of whom shall serve for one year, two for two years, and two for three years; the time that each shall serve to be designated on the ballots, and annually thereafter there shall be chosen in the same manner two directors, each of whom shall serve for three years, and until their successors shall be elected and qualified; such intermediate vacancies as may occur to be filled by the acting directors till the next annual election, when such vacancies shall be filled by the electors.

SEC. 5. That said directors, within ten days after their appointment as aforesaid, shall meet and organize by choosing from their number a president, secretary, and treasurer; that said treasurer, before he enters upon the duties of his office, shall give bond payable to the State of Ohio, with security to be approved by said board, and to be by them kept, conditioned for the faithful discharge of his duties as such treasurer.

Directors to organize.

SEC. 6. That said directors and their successors in office shall be a body corporate, by the name of the Board of Education of said city, town, or village, and as such, and by such name, shall receive all moneys and other property belonging or accruing to said district, or to said city, town, or village, or any part of the same for the use or benefit of the public schools therein, and the said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity, and also shall be capable of receiving any gift, grant, bequest, or devise, made for the use of the public schools in said city, town, or district, and all moneys accruing to said city, town, or district, for school purposes, under any law of this State, shall be paid over to the treasurer of said Board of Education.

Their powers and duties.

SEC. 7. Said Board of Education may hold stated meetings at such times and places in said district as they may appoint, four members of said board at all meetings thereof constituting a quorum for business; that special meetings thereof may be called by the president, or by any two members, on giving one day's notice of the time and place of the same, and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of the treasurer, and no money shall be paid out of the treasury except in pursuance of such resolution, and on the written order of the president, countersigned by the secretary.

Meetings of the board.

Money, how paid out.

SEC. 8. That whenever said board shall deem it necessary to purchase or erect a school house, or school houses for said district, or to purchase sites for the same, they shall call a meeting of the legal voters in said district, by giving at least ten days' notice of the time, and place, and object of said meeting, in some newspaper printed in, and in general circulation in such district, if any such there be, and if there be no such newspaper, then by posting up written or printed notices thereof, at five or more of the most public places in said district, and the president of said board, and in his absence one of the other directors, shall act as chairman of said meeting, and said meeting may determine by a majority vote upon the erection of a school house or school houses, and the purchase of a site or sites therefor, and the amount of money to be raised for the purpose aforesaid, and the time, or times when the same shall be paid, which moneys, so voted, shall be thereupon certified by the Board of Education by its chairman and secretary, to the auditor of the county, and shall be assessed in said district, collected and paid

School houses, how built.

over to the treasurer of said district, in the same manner as the tax hereinafter provided for in the twelfth section of this act.

Board to establish primary schools.

SEC. 9. It shall be the duty of said board, so soon as the means for that purpose can be provided, to establish in said district an adequate number of primary schools to be so located as best to accommodate the inhabitants thereof, and in which the rudiments of education shall be taught, and it shall be the further duty of said board, to establish in said district, a suitable number of other schools of a higher grade or grades, wherein instruction shall be given in such studies as may not be provided for in the primary schools, the number of schools and also of the different grades thereof, to be determined by said board; and it shall be the further duty of said board to decide what branches shall be taught in each and all of said schools, provided that no other language than the English or German shall be taught therein, except with the concurrence of two-thirds of said board.

High schools.

Branches to be taught.

What scholars admitted.

SEC. 10. Admission to said schools shall be gratuitous to the children, wards, and apprentices of all actual residents in said district, who may be entitled to the privileges of the public schools, under the general laws of this State, provided that said board shall have power to admit to said schools other pupils, upon such terms, or upon the payment of such tuition, as they may prescribe.

General power's of the board.

SEC. 11. Said board shall have power to make all necessary regulations for said schools, to prescribe and enforce rules for the admission of pupils into the same, not inconsistent with the preceding section, and the examination that pupils must pass preparatory to admission into the schools of higher grades than the primary; to subdivide said school district, if they shall think proper; to select sites for school houses; to superintend the building of the same, and to pay therefor, their appurtenances, furniture and apparatus, to borrow money for the erection of school houses upon a majority vote of said district therefor, and to incur all other expenses of said school system, and pay the same from the public moneys of said district.

How long schools to be kept in each year.

SEC. 12. It shall be the duty of said board to keep said schools in operation not less than thirty-six, nor more than forty-four weeks of each year, to determine the amount of the annual tax to be raised for the purpose aforesaid, including all the necessary expenses of said schools, except for the erection of school houses and the purchase of sites; and on or before the first day of July, of each year, to make known the amount of such tax to the auditor of the county in which said district is situate; and thereupon it shall be the duty of said auditor to assess the same upon the taxable property of the said district as the same appears on the grand list in his office, and the said tax shall be collected by the county treasurer, in the same manner, and at the same time, with the State and county taxes, and when collected shall be paid over to the treasurer of said Board:

School tax, how levied and collected.

Provided, however, that the tax to be assessed under this section shall not exceed four mills on the dollar upon the taxable property of said district, as the same appears upon the grand list; provided further, that in case the amount so authorized to be raised, together with the other school moneys of said district, shall be insufficient to support said schools for the portion of the year mentioned in this section, that said Board of Education may require such sum as may be necessary to support the same for the residue of said time, to be charged at the discretion of said board upon the tuition of the pupils attending such schools; provided, however, that the children of indigent parents, or orphans, who are unable to pay such charges, shall not be excluded from said schools for the non-payment of the same; and it shall be the further duty of said board to keep an accurate account of their proceeding, and of their receipts and disbursements for school purposes, and at the annual meeting for the choice of directors in said district to make report of such receipts, and the sources from which the same were derived, and of said disbursements, and the objects to which the same were applied, and they shall also make report at the same time of such other matters relating to said schools as they may deem the interests of the same to require.

Not to exceed four mills on the dollar.

Board shall report to annual meeting.

SEC. 13. That said Board of Education, within twenty days after their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein, one to serve for one year, one for two years, and one for three years, from the time of their appointment, and till their successors shall be appointed, and annually thereafter said board shall appoint one examiner to serve for three years, and till his successor is appointed and qualified; and said board shall fill all vacancies that may occur from death, removal, or otherwise. Said examiners, or any two of them, shall examine any persons that may apply for that purpose with the intention of becoming teachers in any of the schools in said district, and if they find the applicant, in their opinion, qualified to teach in any of said schools, and to govern the same, and of good moral character, they shall give said applicant a certificate naming the branches in which the holder of said certificate was found qualified to teach, and no person shall be permitted to teach in said schools without such certificate — and said examiners may, in all cases, when two of their number concur, have power to annul such certificate, and when so annulled, the person holding the same shall be discharged as a teacher of said schools; said examiners shall also separately, or otherwise, together with said Board of Education, or any of them, or such person as they may appoint, or invite, visit said schools as often as once in every term, and observe the discipline, mode of teaching, progress of the pupils, and such other matters as they may deem of interest, and make such suggestions and report thereupon to

Board shall appoint school examiners.

Duty of examiners.

said board as they may think proper, which report may be published at the discretion of said board.

Acts repealed.

SEC. 14. Upon the adoption of this act in the manner herein provided by any city, town, village, or district, all laws now in force therein, inconsistent herewith, are hereby repealed.

Treasurer may collect charges for tuition.

SEC. 15. That said Board of Education or the treasurer thereof shall have power to collect any charge or account for tuition, in the same manner as the treasurer of any common school district in this State, is now or may hereafter be authorized to collect any such charge or account.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

Feb. 21, 1849.

AN ACT

In addition to "an act in relation to incorporated religious societies," passed March 5, A. D. 1836.

Presbyterian society may appoint deacons.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any Presbyterian society or church which has heretofore been, or hereafter may be incorporated by, or under any law of this State, and which has any number of deacons not less than three, may appoint or elect such deacons to serve as trustees for such society or church, which appointment or election shall be made and conducted in conformity with the time and manner prescribed for the election of trustees in the charter, or other act by, or under which such trustees are, or may be, required to be elected; and the said deacons, when so chosen to the office of trustees according to the provisions of this act, shall hold the same for the period during which they may continue to hold and exercise the office of deacon in said society or church, and all vacancies that may thereafter happen in the said board of trustees, so constituted as aforesaid, shall be filled by such person or persons succeeding thereto as may be appointed or elected to the office of deacon by such society or church, according to the plan of government and discipline thereof.

Vacancies.

Their powers.

SEC. 2. That a majority of said deacons when acting in the capacity of trustees as aforesaid, shall constitute a quorum for the transaction of business; and as such trustees they shall have perpetual succession, and shall possess, enjoy, and have full right to exercise all and singular the powers, immunities, rights, and privileges granted to or vested in, and shall be subject to all the obligations, restrictions, and liabilities, imposed on

such religious society, or church, by so much of any charter, or other act, by, or under which, the same was, or may be incorporated, or by so much of the act to which this act is an addition, as may not be inconsistent with the provisions of this act.

May appoint
secretary and
treasurer.

Sec. 3. That said deacons, in their capacity of trustees as aforesaid, shall have power to appoint a secretary, treasurer, and such other officers as they may deem expedient, and to prescribe their duties; which officers shall hold their respective offices during the pleasure of the said Board of Trustees.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

Feb. 26, 1849.

AN ACT

Further to amend the act entitled an act to provide for the internal improvement of the State of Ohio, by navigable Canals.

WHEREAS, by the last clause of an act of February 13, 1832, entitled an act to amend the act to provide for the internal improvement of the State of Ohio, by navigable canals, it is provided that "in all cases where the property of any person or persons has been, or shall be injured in consequence of a breach in any canal of this State, or of any reservoir or other work appertaining to said canals, such injury or damages shall be ascertained, determined, and paid in manner aforesaid;" and whereas, doubts are entertained as to the true construction of said clause; therefore, to resolve said doubts,

Sec. 1. *Be it enacted by the General Assembly of the State of Ohio*, That nothing in said clause shall be construed so as to subject the State to damages for injuries occasioned by a breach in any canal, reservoir or other work appertaining to said canals, unless such injuries are or shall be the result of defective construction, or the want of proper care in maintaining said canals or appendages, and were also unavoidable by all reasonable precaution and vigilance on the part of the party claiming damages.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

Feb. 27, 1849.

AN ACT

To provide for taxing certain lands sold by the United States.

WHEREAS, the United States by an act of Congress passed on the twenty-sixth day of January, eighteen hundred and forty-seven, assented that the several States admitted into the Union prior to the twenty-fourth day of April, eighteen hundred and twenty, should impose taxes upon all lands sold by the United States after the passage of said act in said States from and after the day of sale; Therefore

Lands hereafter
sold by the U.
S. to be taxed.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That all lands within this State, which shall be hereafter sold by the United States, shall be subject to taxation as other lands in this State.

Act repealed.

SEC. 2. That so much of the tax law passed March second, eighteen hundred and forty-six, as conflicts with the provisions of this act, be, and the same is hereby repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 8, 1849.

AN ACT

To amend the act entitled an act to provide for the settlement of the estates of deceased persons, passed March 23d, 1840.

Desperate
claims, debts or
demands may
be sold by ad-
ministrator.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That upon proper proof being made by an executor or administrator to the court of common pleas of the proper county, that any claim, debt or demand whatsoever, belonging to the estate in his hands to be administered and accruing in the lifetime of the deceased, represented by such executor or administrator, is desperate: First, on account of the doubtful solvency or actual insolvency of the person or persons owing the same; 2d, on account of such debtor having availed him or herself of the late bankrupt law of the United States; 3d, by reason of some legal or equitable defence which such debtor or debtors shall allege and make appear against the same; 4th, on account of the smallness of such claim and difficulty in its collection, either from the remoteness of the residence of the debtor, or the ignorance of the executor or administrator of such residence, that said court may order such claim, debt or demand to be compounded or sold, or to be filed in such court for the

benefit of the heirs, devisees or creditors of such deceased person as will sue for or recover the same, giving the creditors the preference if they or any of them apply for the same before the final settlement of the estate, and such order of the court shall be a sufficient voucher to such executor or administrator.

SEC. 2. That in all cases where the claims or demands exceed the sum of ten dollars, the executor or administrator shall give notice of such intended application to said court for such order at least four consecutive weeks previous to the term of such court, which notice shall be published in some newspaper having general circulation in such county, or if there be no newspaper in the county, then in some newspaper having a general circulation in said county.

Notice of application for order of sale.

SEC. 3. That if the court shall order a sale of debts or demands, the executor or administrator shall give public notice as aforesaid, of the time and place of sale, three consecutive weeks previous to the day of sale, at which they shall be sold to the highest bidder, and the avails of such sale shall be accounted for by said executor or administrator as other moneys belonging to such estate.

Notice of sale.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 10, 1849.

AN ACT

To authorize the courts of common pleas to remit fines in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several courts of common pleas within this State may, in their discretion, remit any fine or fines assessed against township treasurers, under the seventh section of the act entitled "an act to secure the returns of the statistics of common schools," passed January 21, 1848; Provided, That it shall appear to the satisfaction of the court that any township treasurer, so fined as aforesaid, has paid all costs that may have accrued, and has actually made settlement.

Court of common pleas may remit fine against township treasurer.

SEC. 2. That this act shall be in force for the period of one year from and after its passage.

Act in force one year.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 10, 1849.

AN ACT

Further to amend an act regulating Rail Road Companies, passed Feb. 11, 1848, and for other purposes.

Directors may fill vacancies in certain cases.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, In case of any vacancy, by death, resignation, or any other cause, in any board of directors of any rail road company, plank road company, or turnpike road company, incorporated by the General Assembly of this State, if in the act or acts incorporating such company no provision is made for power to fill such vacancy, it shall be lawful for the remaining directors to appoint a director to fill such vacancy, and the person so appointed shall be a director of such company until the next succeeding stated election, and until his successor shall be elected and qualified.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 13, 1849.

AN ACT

To amend the act to authorize and require the recording of the official bonds of certain public officers.

Bonds of executors, administrators & guardians to be recorded.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the provisions of the act entitled an act to authorize and require the recording of the official bonds of certain public officers, passed January nineteenth, one thousand eight hundred and forty-three, be, and the same are hereby extended and made applicable to the bonds of executors, administrators and guardians.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 13, 1849.

AN ACT

To amend the "act for the appointment of certain officers therein named," passed February 17, 1831.

Clerk court com. pleas may appoint deputy clerk.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That nothing contained in the "act for the appointment of certain officers therein named," passed February

17, 1831, shall hereafter be so construed as to prevent the appointment, subject to the provisions of the said act, of more than one deputy clerk of the court of common pleas, in any county in which [an] additional deputy clerk shall, in the opinion of said court, be necessary, and an order to that effect entered upon their journal.

SEC. 2. That so much of the said act as conflicts with the provisions of this act, be and the same is hereby repealed.

JOHN G. Breslin,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 19, 1849.

AN ACT

To provide for the appointment of trustees to minors residing out of this State and having property in the same.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That when any minor residing out of this State has any real estate, goods, chattels, rights, credits, moneys or effects in this State, the court of common pleas of the county where such property or any part of it may be situate, shall have power, whenever they consider it necessary, to appoint a trustee of such minor, to manage, collect, lease and take care of such property.

Court of com. pleas may appoint trustees for non-resid'nt minor.

SEC. 2. The appointment of a trustee first lawfully made, shall extend to all the property and effects of the minor in this State, and shall exclude the jurisdiction of the court of common pleas in any other county.

Tr'stee first appointed shall have control of all the property of such minor.

SEC. 3. The said trustee shall give bond, with surety, and shall take upon himself the care and management of the estate and property of such minor, situate in this State, and the collection of debts and other demands due such minor, from persons residing or being in this State, and shall settle with the court, and be liable to suit or removal for neglect or misconduct in the performance of his duties, in like manner as is or may be provided by law in respect to guardians of minors.

Duties of such trustee.

SEC. 4. The said trustee shall have no authority to apply to the court of common pleas for the sale of the real estate of such minor, nor shall this law be so construed as to prevent the foreign guardian of such minor from applying to the court of common pleas of the proper county for the sale of the real estate of his ward, as is or may be by law provided.

Trustees shall not sell real estate.

Foreign guard'n may sell real estate.

SEC. 5. The said trustee shall, unless removed by the court, hold his appointment until such minor arrives at the age of ma-

How long trustee shall serve.

Compensation.

Moneys, how
paid over.

jority, whether such minor be under twelve or over fourteen years of age at the time of such appointment; - and shall receive the same compensation for his services, as is or may be provided by law for guardians.

SEC. 6. All moneys due to such minor in the hands of such trustee, shall, during the minority of such minor, be paid over to the foreign guardian of such minor, or, in case of the decease of such minor during his or her minority, to the administrator or other legal representative of such minor.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 19, 1849.

AN ACT

To amend the act entitled "an act relating to wills," passed March 23, 1840, and for other purposes.

Title to land in
this State under
a will duly
proven in another
State, not
to be defeated
tho' such will
should be set aside.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the title of any purchaser of land situate in this State, derived from the executor, trustee or devisee of any last will and testament, which shall have been, or may be, duly proven and admitted to record in any other State or territory of the United States, and an authenticated copy of which has been, or may be recorded in this State pursuant to law, shall not be defeated or affected, although such will may be set aside, after such foreign probate and record in this State.

Title to lands
in this State deriv'd
from heirs, whilst the
will is rej'ct'd, shall
not be defeated
by the est'lishment
of such will.

SEC. 2. The title of any purchaser of land situate in this State, derived from the heir or heirs of any person whose last will and testament may have been, or may hereafter be rejected by the court of any other State or territory of the United States, having jurisdiction of the probate thereof, acquired whilst such will remains rejected by such court, shall not be defeated or affected by the subsequent probate and establishment of such will.

Persons interested
may file caveat
forbidding the sale of
such land.

SEC. 3. All persons interested as executors, devisees, trustees or heirs, as specified in the preceding section of this act, may respectively in person, or by their attorney, agent or guardian within two years after such will shall have been proved or rejected as aforesaid, place on record in the office of the recorder of deeds in the county where such land is situate, a caveat, forbidding the sale of such land by said executor, trustee or devisee, or heir, as the case may be; and from the time of the presentation of said caveat for record, within the period aforesaid, all the rights of the persons so interested shall be saved to

them; Provided, that legal proceedings shall be commenced in the proper court, to test the validity of such will within two years after the caveat shall be so presented for record, and in all cases in which such wills of non resident decedents have been heretofore proved or rejected, all parties interested may, within two years after the passage of this act, record their caveat in manner above specified, and from the delivery of such caveat for record, all rights shall be saved to them respectively; Provided, legal proceedings shall be commenced within the time limited as aforesaid.

When leg'l proceedings to be commenced.

When caveat to be recorded.

SEC. 4. The title of any purchaser of any lands situated in this State, derived from the heirs of any person not a resident of this State at the time of his death, shall not be defeated by the production of the will of such decedent, unless such will shall be admitted to probate and record in the county where the land shall be situated, within two years from the death of the testator. But all parties interested shall have the same right of caveat hereinbefore provided for and with the same legal effect.

Title to land from heirs of a non-resident not to be defeated by the production of the will, &c.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 20, 1849.

AN ACT

In relation to Coronors' Juries

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter, the number of jurors summoned by warrant of the coronor of any county in this State, for the purpose of holding an inquest upon the dead body of any person supposed to have come to his or her death by violence, shall be six and no more.

Number of jurors not to exceed six.

SEC. 2. That so much of the act passed February 25th, 1824, entitled an act defining the duties of sheriffs and coroners in certain cases, as conflicts with the provisions of this act, be, and the same is hereby repealed.

Act repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 20, 1849.

AN ACT

To amend an act entitled an act to amend an act directing the mode of proceeding in chancery, passed February 21, 1846.

Receivers may settle and compound suits, claims, &c.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That receivers who have been, or hereafter shall be appointed, may, at the discretion of the court appointing them, or the court with which such receivers are by the terms of their appointment required to render accounts and make settlements of the business assigned to them, or in any way connected with the same, be authorized and required by such court amongst other things to collect, settle, compromise and compound for, or by suit in their own names, or otherwise to recover any debt, claim, demand, matter or thing belonging to, or concerning the property, estate or business committed to them, and such receivers shall also be required to report from time to time their doings in the premises, to the end that the same may be received, examined and confirmed, or set aside by the court, as may appear to be just and proper.

Shall report their doings.

Court may decree transfer of claims by the receiver.

SEC. 2. It shall be lawful for the court, before which any case shall be pending for the final settlement of the affairs of any company, or of any partnership, or for the payment of the debts thereof, to provide by decree or other proper order, for a transfer, by the receiver acting in such case either to creditors or to such parties as may have a resulting interest therein, of all judgments and decrees recovered in the name of any receiver in the case not then collected, and of all decrees against any of the parties in such case, either for their rateable shares of the debts due to creditors, or for contribution among the parties, and such decrees so assigned, shall be collected by execution, as on judgments at law.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 21, 1849.

AN ACT

To amend the act relating to juries.

Either party to a suit may have a venire issued, if talesmen are necessary.

[SEC. 1.] *Be it enacted by the General Assembly of the State of Ohio*, That whenever in any civil suit or criminal prosecution hereafter tried in any court of this State, it shall become necessary to summon a talesman or talesmen, either party may make a summary application to the court to issue a venire,

and the court, when so requested, shall, as a matter of course, immediately issue a venire containing the names of so many discreet and suitable persons, having the qualifications of electors as the court shall deem expedient. But if no such application shall be made, the sheriff shall summon talesmen as heretofore.

SEC. 2. If any person summoned to serve as a juror, shall, without reasonable and lawful cause, to be judged of by the court, refuse to serve, he shall be fined in any sum not exceeding thirty dollars, as for a contempt of court.

Juror refusing to serve sh'll be fined.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 22, 1849.

AN ACT

To amend the act entitled an act for appointing notaries public, passed February 7, 1816.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any person desiring to be appointed and commissioned as notary public, in conformity with the first section of the act to which this is an amendment, shall give written notice of such desire to the president judge of the court of common pleas of the county in and for which such person desires to officiate as notary public.

Applicants to notify presidn't judge.

SEC. 2. That such president judge, upon receiving such notice, shall forthwith appoint a committee of examination, consisting of three gentlemen, learned in the law, for the purpose of examining such person as to his qualifications for the office of notary public.

Presid'nt judge shall appoint a committee.

SEC. 3. That such committee of examination, finding such person qualified for the office of notary public, shall make out, sign and deliver to said president judge, a certificate to that effect.

Com'ttee shall certify.

SEC. 4. That said president judge, upon receiving such certificate, and knowing the applicant to be a person of good moral character, shall make out a certificate, stating that such applicant is a person of good moral character, and well qualified for the office of a notary public, said certificate shall be attested by the clerk of said court, under the seal thereof.

Presid'nt judge shall certify.

SEC. 5. That the Governor of this State shall not hereafter appoint and commission any person as a notary public, unless such person shall present to him, together with his application and the bond required by the first section of the act to which

Governor shall not commission without certificate of president judge.

this is an amendment, the certificate of the president judge, made in conformity with the foregoing section.

Notary shall
take an oath.

SEC. 6. That each notary public, appointed and commissioned in conformity with the provisions of this act, before entering upon his duties, shall take and subscribe the oath prescribed by the first section of the act to which this is an amendment, and shall cause his said commission, together with his said oath, to be recorded in the office of the clerk of the court of common pleas, of the proper county, and thereupon, such notary public shall have power, in addition to the powers conferred upon him by the act to which this is an amendment, and he is hereby authorized to administer any oath required or directed by law to be taken or administered, and he shall be entitled to the same fees therefor as justices of the peace are entitled to for similar services.

His duties.

SEC. 7. That all acts conflicting with the provisions of this act be, and the same are hereby repealed.

SEC. 8. This act shall be in force from and after its passage.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 22, 1849.

AN ACT

To amend the act defining the powers and duties of justices of the peace and constables, in civil cases.

Plaintiff removing out of township, justice shall require security for costs.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That if any plaintiff or plaintiffs shall, after the commencement of an action before a justice of the peace, of the township in which he she or they may reside, remove out of the said township before final judgment, the said justice shall require of the plaintiff or plaintiffs to deposit with him, the said justice, a sum of money equal to the amount of costs which have accrued, and which may probably accrue, or require of the plaintiff or plaintiffs a sufficient surety, resident of the township, for all the costs which have accrued and which may accrue, such suretyship to be evidenced by an acknowledgment thereof upon the docket of the said justice of the peace, or in case of the failure to do either, shall enter judgment of non suit against the said plaintiff or plaintiffs.

SEC. 2. That upon all writs of scire facias, sued out before any justice of the peace, to make any person a party to a judgment already obtained against one or more of the joint contracting parties, he shall have the right to make any defence which he might have made had he been served with process and made a party to the original action. rig. origin

SEC. 3. This act to take effect from and after the first day of June next.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 23, 1849.

AN ACT

To punish judges for appearing as attorneys in the courts of justices of the peace.

WHEREAS, It is made known to this General Assembly, that the judges of the court of common pleas in some sections of the State, have been in the habit of appearing as attorneys in the courts of justices of the peace, to manage and advocate causes between parties, and such practices demand immediate animadversion and reprehension therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That if any judge of the court of common Pleas shall during his continuance in office act as attorney, counsel, or advocate for any party in the court of any justice of the peace in this State, he shall, upon conviction thereof by indictment in the court of common pleas in the county in which the offence may have been committed, be fined in any sum not less than fifty nor more than two hundred dollars, and be imprisoned in the dungeon of the county jail, and fed on bread and water only, not less than ten nor more than thirty days, at the discretion of the court.

Judge of court com. pleas not to act as attorney in justices' court.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 23, 1849.

AN ACT

to proceedings before justices of the peace.

It enacted by the General Assembly of the State of New York, that in all complaints of forcible detainer or of unlawful detainer before any justice of the peace, or jury or otherwise, either party shall have the right to the opinion of the justice upon any question arising at the trial of the complaint, and when either party shall allege such exception, it shall be the duty of the justice to sign and seal a bill containing the same, if truly alleged, with the point decided, and to make the said bill part of the record in the cause.

SEC. 2. That in all cases of summary conviction before justices of the peace, or before the mayor or other magistrate of any incorporated city or town, punishable by fine or imprisonment, the party or parties defendant, shall have the same right to except, to allege exceptions, and to have a bill containing the same, signed and sealed by such justice of the peace, mayor or other magistrate, and made part of the record, as is provided for either party in the first section of this act, and all such judgments of conviction may be examined by the court of common pleas and the supreme court upon writs of certiorari, and reversed or affirmed, as right and justice may demand.

SEC. 3. That for signing and sealing such bill of exception, justices of the peace, mayors and other magistrates, shall be allowed the sum of ten cents, and for copying and certifying the same, at the rate of ten cents for every hundred words so copied, to be taxed in the cost bill, and collected in like manner as other costs are now by law collected.

SEC. 4. Whenever a justice of the peace shall be elected to fill a vacancy, he shall call upon the township clerk for the criminal docket of his predecessor and the unoccupied pages of the book for the entry of causes, agreeably to the provisions of the act upon that subject, passed March 7, 1842.

SEC. 5. Upon a vacancy happening in the office of a justice of the peace, it shall be the duty of the person in whose possession or control his docket may be, to deliver the same to the township clerk, who shall make and certify transcripts thereof for any person entitled to and applying therefor, until the vacancy be filled, when he shall deliver such docket to the person elected to fill the vacancy.

SEC. 6. Whenever any justice of the peace shall receive from the township clerk any docket in pursuance of either of the two preceding sections, the authority of the township clerk to certify transcripts shall cease, and become vested in the justice receiving such docket.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 24, 1849.

Notary take note of Person served with active notice has the same as under Proc'us.

In cas's of summary conviction parties may except.

Fees.

Criminal docket.

Criminal docket to be left with township clerk, who may make transcripts.

Township clerk's right to make transcripts to cease.

AN ACT

To secure an early distribution and publication of the laws of a general nature.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That it shall be the duty of the public printer to print the laws of a general nature, of the present and each succeeding legislature, immediately after the adjournment thereof. When general laws to be printed.

SEC. 2. That as soon as the general laws of the present and each succeeding legislature are printed, it shall be the duty of the Secretary of State to forward, by mail, two copies to the auditors of the respective counties of this State. Sec'y of State to forward by mail.

SEC. 3. The auditors of the several counties of this State are hereby required to contract for the publication of the general laws of the present, and each succeeding legislature, or such of them as may be considered of general interest, in not more than two newspapers, at a cost not exceeding the sum of seventy-five cents per thousand ems, to be paid out of the county treasury, provided said laws are published correctly. County Audit'r to publish.

SEC. 4. That it shall be the duty of the auditor of the several counties in which contracts may be made for the publication of the laws, to read and compare said laws in newspapers before the publication, and see that they are printed correctly, and accompany them with a certificate to that effect. County Audit'r to compare.

SEC. 5. The act entitled "an act to secure an early distribution and publication of the laws of a general nature," passed March 13, 1844, be, and the same is hereby repealed. Act repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 24, 1849.

AN ACT

To amend an act passed February 24, 1848, entitled "an act to amend the act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March 7, 1838; and the acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever the qualified voters of any school district shall vote to raise a school tax in the manner provided in the first section of the act to which this is an amendment, it shall be the duty of the clerk of such district to make out and District cl'rk to certify list of names with result of vote.

certify in writing, together with the result of said vote, to the auditor of the proper county, a list of the names in alphabetical order of all persons owning or possessing any property, real or personal, within said district liable to taxation.

Townships may
levy school tax.

SEC. 2. That nothing contained in this act, or the act to which this is an amendment, shall be so construed as to prevent or take from any organized township in this State the power of voting to raise an additional township school tax in the manner provided in the twenty-sixth section of the act entitled "an act for the support and better regulation of common schools, and to create permanently the office of superintendent," passed March seventh, eighteen hundred and thirty-eight, and the act amendatory thereto, passed March sixteenth, eighteen hundred and thirty-nine.

Parents or guardians must furnish their portion of fuel.

SEC. 3. That whenever any parent or guardian sending any scholar to any district school, shall fail or neglect to furnish his or her proportion or quota of fuel as may be ordered by the directors of such district, for the use of such school, and the same shall have been provided by the directors or their order, it shall be the duty of the directors to make out an account in writing, under their hands, of the quantity of such fuel so provided as aforesaid, together with the value thereof or price paid for the same, and if such accounts are not voluntarily paid by the person or persons so charged therewith, the treasurer of such district is hereby authorized, and it shall be his duty, to collect such accounts of the person or persons charged with the same as aforesaid, in the same manner that any charge or account for tuition is authorized to be collected in the seventh section of the aforesaid act, passed March sixteenth, eighteen hundred and thirty-nine.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 6, 1849.

AN ACT

Fixing the prices of printers for publishing the delinquent and forfeited lists.

Price to be paid.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That there shall be hereafter allowed to the publishers of newspapers for advertising the delinquent and forfeited lists of the several counties of this State, a sum not exceeding thirty cents for each tract of land, or town lot, or part of lot advertised in the delinquent list, and not exceeding thirty cents for each tract, lot or part of lot advertised in the forfeited

list, and a sum not exceeding one dollar per square of three hundred ems, for the first three insertions, and twenty-five cents per square for each additional insertion for the heading, head lines, and certificate of any such advertisements; Provided, that in no case shall a greater sum than one half of the taxes, interest and penalty due, be allowed for advertising any such tract of land, town lot, or part of lot.

Shall not be more than one half the taxes.

SEC. 2. The act fixing the prices of printers for the insertion of legal advertisements, passed March 12, 1844, be, and the same is hereby repealed.

Act repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 9, 1849.

AN ACT

To amend the act passed March 5, 1842, entitled "an act to regulate the mode of collecting debts against turnpike companies, in which the State is a stockholder, and to authorize the companies to appropriate their portion of the tolls for the completion of the roads, and for other purposes," and the several acts amendatory thereof.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That whenever any turnpike road, within the provisions of the principal act, to which this [is] an amendment, shall pass through two or more counties, the court of common pleas of the county in which a bill shall be first filed, under the provisions of the act last mentioned, shall have exclusive jurisdiction to appoint a receiver; manage and distribute the fund thereby accumulated; audit and allow the receiver's accounts; pay the claims of creditors; and take cognizance, in all respects, of the cause so brought into court, according to the course of equity jurisprudence.

What court to have jurisdiction in certain cases.

SEC. 2. And be it further enacted, that when any bill shall be filed, as aforesaid, it shall be the duty of the complainant, or complainants, to give notice of the pendency and prayer thereof, by advertisement in one newspaper published in each of the counties through which the said road may pass, (or if no newspaper be published in any county, as aforesaid, then in some newspaper of general circulation in such county) for six successive weeks, to all the creditors of the company defendant thereto, requiring them to appear at the next term of the court, in which the said bill may be filed, make themselves parties defendant, and exhibit their claims, as in the case of incumbrances upon real estate.

How notice of suit to be given

Transcript and original papers to be sent to court in which a bill was first filed.

SEC. 3. And be it further enacted, that whenever it shall be made to appear to the court of common pleas of any county, in which any such bill may have been filed, at any stage of its proceeding, that a bill of like nature had previously been filed in the court of common pleas of any other county through which the road or any other work of the company defendant thereto, likewise passes, it shall be the duty of the said court to direct its clerk to send an authenticated transcript of its proceedings, the original papers on file, and a statement of the costs already accrued, to the clerk of the court of common pleas of the county in which the first bill was filed as aforesaid, and to cease all further action in the said cause, as in causes certified from one court to another, under the several acts now in force.

Bills to be consolidated.

SEC. 4. And be it further enacted, that it shall be the duty of the court of common pleas, to the clerk of which any such transcript shall be sent as aforesaid, to consolidate the bill therewith sent as a cross-bill in the case already pending before it, and to proceed therein as if the said bill had been thus originally filed.

Further duty of courts.

SEC. 5. And be it further enacted, that whenever any bill or bills, filed under the provisions of the principal act to which this is an amendment, is or are now pending in the court of common pleas of two or more counties, it shall be the duty of the said courts, respectively, to comply with the provisions of the third and fourth sections of this act as well in regard to all amended, supplemental, and cross bills, as to the original bills, and of the court into which the cause or causes shall be thus brought to order notice of the pendency of the same, according to the provisions of the second section hereof, and of the stage of proceedings which the said cause or causes shall have attained.

To what courts this act to apply.

SEC. 6. And be it further enacted, that the provisions of this act shall apply, in all respects, as well to the superior and commercial courts of Cincinnati, the superior court of Cleveland, and all other courts hereafter to be established, as to the courts of common pleas of the several counties.

Costs, how taxed.

SEC. 7. And be it further enacted, that the costs of notification and other necessary cost incurred in any of the causes mentioned in this act shall be taxed and paid out of the tolls collected by the receiver as aforesaid, and all other costs incurred in such causes shall be taxed, at the discretion of the court, according to the usages of chancery.

Acts repealed.

SEC. 8. And be it further enacted, that all acts and parts of acts inconsistent herewith, be and the same are hereby repealed; Provided, nothing herein contained shall be construed to deprive the creditors of any turnpike company of the benefit of the act passed the eighth day of February, in the year eighteen hundred and forty-seven, entitled "an act for the relief of creditors of turnpike companies, in which the State is a stockholder," or of the right of any company to have its road

surrendered to it whenever the creditors thereof, or the requisite number of them, shall have availed themselves of the provisions of the last named act.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 10, 1849.

AN ACT

To amend an act entitled an act for the support and better regulation of common schools, and to create permanently the office of superintendent, passed March 7, 1838.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That hereafter, in any school district of this State, whenever three or more of the householders therein shall make known in writing to the directors of said district their desire that English grammar and geography be taught in any school of said district, it shall be the duty of said directors to provide for instruction in said studies, in addition to those now required to be pursued by the ninth and twenty-eighth sections of the act to which this is an amendment.

When English Grammar and Geography must be taught.

SEC. 2. That hereafter the school examiners of any county in this State shall not give to any person a certificate of qualification as teacher, unless such person shall be found qualified to teach geography and English grammar, in addition to reading writing and arithmetic.

School Examiners shall not give certificate unless it includes Grammar and Geography.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 12, 1849.

AN ACT

To establish a land office at Defiance.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Perrysburg land office shall be, from and after the twenty-third day of April next abolished, and all the lands situate in the Perrysburg district shall be attached to and form a part of the Lima district.

Perrysburg Land Office abolished.

Lima office removed.

SEC. 2. The Lima land office is hereby directed to be removed to Defiance, at which place shall hereafter be kept an office for the sale of all lands belonging to the State which have heretofore been for sale at Perrysburg or Lima.

Register and Receiver at Lima to remove.

SEC. 3. Unless the register and receiver of the Lima land office shall remove to Defiance between the twenty-third and the twenty-eighth days of April next, such neglect or refusal to remove shall be deemed and taken as a resignation of the office by such person so neglecting or refusing to remove.

When sales not to be made.

SEC. 4. No sales or entries of land shall be made at any of said land offices on the twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh or twenty-eighth days of April next.

Register and Receiver at Perrysburg to deliver up books &c.

SEC. 5. The register and receiver of the land office at Perrysburg, shall deliver all the books and papers belonging to their respective offices, to such person as may be appointed by the Governor to receive the same, with a view to their removal to Defiance on or after the twenty-third day of April next.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 13, 1849.

AN ACT

In relation to the Miami Canal, the Miami Extension and the Wabash and Erie Canal.

Miami, Miami Ex. & Wabash & Erie to be called Miami & Erie Canal.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the Miami canal, the Miami Extension Canal and Wabash and Erie Canal shall hereafter constitute one canal, which shall be known and designated by the name of the Miami and Erie Canal, and but one account of tolls shall be kept, and one form of clearances issued at the several collectors offices on said canal.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 14, 1849.

AN ACT

To amend the act entitled an act for the support and better regulation of common schools in the town of Akron, passed February 8, 1847, and the acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the board of education in any city, town or village, which has adopted the act entitled an act for the support and better regulation of common schools in the town of Akron, passed February 8th, 1847, and the acts amendatory thereto, may adopt the eleventh, twelfth and fifteenth sections of the act entitled an act for the better organization of the public schools in cities, towns, &c., passed February 15th, 1849, whenever in the opinion of said board of education, the educational interests of such city, town or village may require it.

Boards of Education may adopt certain laws.

SEC. 2. All acts or parts thereof inconsistent with the provisions of this act are hereby repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 15, 1849.

AN ACT

Making appropriations for the year 1849.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the following sums be and they are hereby appropriated out of any money in the treasury not otherwise appropriated, to be paid for the year one thousand eight hundred and forty-nine, viz :

For payment of the members of the General Assembly, their clerks, assistant clerks, sergeants-at-arms, door keepers and messengers, a sum not exceeding fifty thousand dollars.

Memb's, clerks &c. of General Assembly.

For payment of the postage of the members, clerks, sergeants-at-arms, a sum not exceeding six thousand dollars.

Post. of members, clerks, &c.

For paying the salaries of the governor, auditor, treasurer and secretary of State, the attorney general, fund commissioners, members of the board of public works, librarian, warden, directors and physicians of the penitentiary, secretary of the governor, nine clerks in the auditor's office, two clerks in the treasurer's office, clerk in the secretary of State's office, and secretary of the fund commissioners, a sum not exceeding twenty thousand dollars.

Salari's of State officers.

Gov. Con. fund.	For contingent fund of the governor, sixteen hundred dollars.
Aud. Con. fund.	For contingent fund of the auditor, two thousand dollars.
Tre. Con. fund.	For contingent fund of the treasurer, one thousand dollars.
Purchase of Curwen's index	For the purchase of Curwen's revising index to the statute law of the State of Ohio, sixteen hundred and forty dollars.
Con. Fund Sec. of State.	For contingent fund of the secretary of State, seven hundred dollars.
Salaries of Judges.	For payment of the salaries of the judges of the supreme court, president judges of the courts of common pleas, and judges of superior and commercial courts, and a reporter for the court in bank, twenty-eight thousand dollars.
Lun. Asylum.	For the lunatic asylum, viz: for salaries of the superintendent, assistant physicians and steward, two thousand nine hundred dollars; for provisions, household expenses, clothing, fuel, matron, servants, labor, stationery, medicines and repairs, twenty-eight thousand dollars.
Deaf and Dumb Asylum.	For the deaf and dumb asylum, viz: for salaries of the superintendent, steward, teachers, matron and assistants, five thousand nine hundred and fifty dollars; for provisions, household expenses, clothing, fuel, servants, labor and contingent expenses, five thousand eight hundred dollars.
Institution for the Blind.	For the institution of the blind, viz: for salaries of the superintendent, steward, teachers, matron, assistants and artisans, for the year ending the first day of October, one thousand eight hundred and forty-nine, four thousand eight hundred dollars; for clothing, provisions, furniture, servants, stationery, materials for the workshop, and contingencies, five thousand two hundred dollars, for the year ending the first of October, eighteen hundred and forty-nine; and for the quarter ending the first day of January, eighteen hundred and fifty, two thousand five hundred dollars.
State Library.	For the State library, six hundred dollars.
Sta'y for State	For stationery for the State, twelve thousand dollars
Printing for the House.	For the printing of the Journals, Documents and other matters ordered by and for the use of the House of Representatives, the sum of seven thousand five hundred dollars.
Printing for the Senate.	For the printing of the Journals, Documents and other matters ordered by and for the use of the Senate, the sum of seven thousand five hundred dollars.
Distribution of Laws, &c.	For distribution of laws and journals, a sum not exceeding six hundred dollars.
Salary of Adj. Gen., &c.	For salaries and expenses of the adjutant and quarter-master generals, each two hundred dollars.
Repairing arms	For repairing, cleaning and taking care of public arms, one thousand dollars.
Treas. mileage.	For payment of treasurer's mileage, a sum not exceeding nine hundred dollars.
Refunding taxes.	For refunding taxes erroneously collected, a sum not exceeding three thousand five hundred dollars.

For transportation of convicts to the penitentiary, and costs of prosecutions, a sum not exceeding ten thousand dollars. Transportation of convicts.

For the purchase of fuel for the legislature and public offices, a sum not exceeding two hundred dollars. Fuel.

For payment of expenses of special elections a sum not exceeding three hundred dollars. Special Elections.

For expenses and costs of State prosecutions, and suits for claims, five hundred dollars. State prosecutions.

For expenses of Ohio volunteers, allowed by the governor, auditor and attorney general, under the resolutions of the general assembly, or allowed by joint resolution of the two houses, a sum not exceeding two thousand dollars. Ohio Volunteers.

For payment of engineers on the national road, the sum of one thousand four hundred dollars, to be paid out of the tolls thereon. Engineers Nat. Road.

And the directors of the penitentiary are authorized to pay the clerk of the penitentiary a sum not exceeding two hundred dollars, in addition to his present salary of five hundred dollars, now allowed by law, and for the payment of claims allowed by the present General Assembly, under special acts and resolutions, a sum not exceeding five thousand dollars; an additional sum of three thousand dollars for printing the acts of the present General Assembly, and the Ohio reports. Clerk of Penitentiary.

SEC. 2. The appropriations herein made are in addition to former unexpended balances; Provided, however, that in no case shall any debt be contracted by any officer or institution named in this act, which cannot be fully met by the appropriation to such office or institution. Claims.
Ohio Reports.

SEC. 3. There shall be assessed annually upon the grand levy of the State, in the manner prescribed by the "act for levying taxes on all property in this State, according to its true value," and the acts supplementary and amendatory thereto, for general revenue purposes, the sum of one half of one mill upon the dollar of valuation, and for the common school fund, one fifth of one mill on the dollar of valuation. Amount of tax to be assessed annually.

SEC. 4. The clerks of the Senate and House of Representatives, are hereby authorized and required to examine and allow all just accounts for paper furnished by any person or persons, for the use of the present General Assembly, upon which to print bills, reports, documents, laws, journals or other matter ordered by either house, and give certificates to the person or persons for any amount or amounts found to be due for such paper, and such account or accounts shall be audited by the auditor upon presentation of the certificate or certificates of the clerks aforesaid, and paid by the treasurer out of any money appropriated for the purchase of stationery for the State, and the said clerks are further authorized and required to examine the accounts for printing done by any person or persons for either house of the present General Assembly, and certify the amount or amounts due any person or persons for such printing, Clerks of two Houses to audit & allow claims for paper and printing.

which account shall be audited by the auditor of State upon presentation of the certificate of the clerks aforesaid, and paid out of any money appropriated for State printing; Provided, that the prices for printing shall not be greater than were paid at last session of the General Assembly.

Clerks in Auditor's office.

SEC. 5. The auditor of State is hereby authorized to employ any number of clerks in the auditor's office he may think necessary, at an aggregate compensation, not exceeding the amount authorized by law to be paid to the nine clerks employed in said office during the year eighteen hundred and forty-eight; Provided, that no clerk so employed shall receive a greater compensation than nine hundred dollars per annum.

JOHN G. Breslin,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 17, 1849.

AN ACT

Amendatory to the act to provide for the profitable employment of convict labor on the new State House, passed February 24, 1848, and for other purposes.

\$65,000 appropriated for new State House.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That for the purpose of prosecuting the work upon the new State house, and to defray the necessary expenses for the profitable employment of convict labor thereon, for the year one thousand eight hundred and forty-nine, there be, and is hereby appropriated the sum of sixty-five thousand dollars to be paid out of any moneys in the State treasury, not otherwise appropriated; Provided, that fifteen thousand dollars thereof shall be applied to the payment of the debt incurred by the directors and warden of the Ohio Penitentiary, in the purchase of the State stone quarry, and in the construction of a rail road thereto, under the provisions of an act to provide for obtaining stone for the public buildings and works of the State, and for other purposes, passed March 12, 1845.

\$15,000 to pay for State Stone quarry.

Stone quarry to be under the control of State House commissioners.

SEC. 2. The said stone quarry and the rail road leading thereto, together with all the cars, fixtures and machinery connected therewith, shall be under the exclusive control and direction of the commissioners of the new State house, for the purpose of enabling them to procure stone for the said State house, with the greatest economy.

How money to be drawn from treasury.

SEC. 3. The money hereby appropriated, shall be drawn from the treasury upon the order of the commissioners aforesaid, signed by the president, and countersigned by the secretary of

the board, directed to the auditor of State ; upon which order, the auditor shall issue his warrant for the payment of said money, which money so drawn, shall be deposited with the treasurer of State, who is hereby constituted treasurer of the State house fund.

SEC. 4. The treasurer of the State house fund shall from time to time as the said commissioners require, pay to their order such sums as they may deem necessary for the profitable employment, and vigorous prosecution of the work, and at the close of each year, on the first day of December, the said commissioners shall file their account with the auditor of State, accompanied with the necessary vouchers.

How money
paid out.

Commissioners
to file account.

SEC. 5. All acts and parts of acts conflicting with the provisions of this act be, and the same are hereby repealed ; Provided, nothing in this act shall be so construed as to prevent the present commissioners from adopting any other than the present plan, if in their opinion it is deemed best for the perfect completion of said work, and the commissioners shall make an annual report to the General Assembly of all the money expended upon said work, and for what purposes.

Acts repealed.

Commissioners
may adopt any
other plan and
make report.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 17, 1849.

AN ACT

To repeal the fifth section of an act entitled "an act to authorize County Commissioners of this State to lay out and establish State roads."

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the fifth section of the act passed February the twenty-seventh, one thousand eight hundred and forty-six, which section allows county commissioners to change free turnpike roads into State roads, be and the same is hereby repealed.

SEC. 2. This act to take effect from and after its passage.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 19, 1849.

AN ACT

To amend the act entitled "an act to amend the act for levying taxes on all property in this State according to its true value," passed March 2d, 1846, and for other purposes.

Rents, how valued.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in entering rents for taxation upon the grand duplicate, as provided for in the several laws in force upon that subject, the same shall be valued and assessed at a sum not exceeding the annual amount or value of said rent, which shall be included in the statement of the person entitled to receive such rent, and returned to the assessor in the same manner that other personal property, moneys and credits are returned; Provided, that in all cases where the person entitled to receive such rents is chargeable with the payment of rent upon the same land or lot, the amount assessed against such person shall not exceed the difference between the rents receivable by him, and those chargeable against him as aforesaid.

In what cases leases not to be taxed.

SEC. 2. That the provisions of this act and the several laws now in force, assessing rents for taxation, shall be held not to extend to leases made before the passage of the "act to amend the act for levying taxes on all property in this State according to its true value," passed February the eighth, eighteen hundred and forty-seven, in cases where by a just construction of such leases, said provision would so operate as to charge the same person with the payment of the tax assessed upon the land itself, and upon the rents reserved in the leases aforesaid.

Acts repealed.

SEC. 3. That such parts of the twenty-sixth section of the act last aforesaid, and of the eighth section of the act supplementary thereto, passed February the twenty-second, eighteen hundred and forty-eight, as are inconsistent with [the] provisions hereof, be and the same are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after the passage thereof.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 19, 1849.

AN ACT

To amend the law passed March 2nd, 1846, to tax money brokers.

Stock, &c., of brokers, to be listed as other property.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, capital stock and property of money brokers shall be listed for taxation and taxes thereon assessed, and collected, in the same man-

ner and for like purposes as other property of individuals or partners is or may be listed and taxed by the laws of this State.

SEC. 2. The act entitled an act to tax money brokers, passed March second, one thousand eight hundred forty-six is hereby repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 20, 1849.

AN ACT

To amend the act entitled "an act to regulate public shows," passed February 28, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That so much of the first section of the act to which this is an amendment, as provides that it shall not be necessary for any exhibitor or exhibitors of any show allowed to be exhibited by said act, to obtain a permit from the county auditor, to show or exhibit in any incorporated town or city, where by the laws or ordinances of such town or city, such exhibitor or exhibitors may be required to obtain a permit or license from the municipal authority of said town or city, be and the same is hereby repealed.

Law repealed.

SEC. 2. Before any person or persons shall be permitted to exhibit any public show, in any incorporated town or city in this State, he or they shall first be required to obtain a permit from the auditor of the county in which such town or city may be located, according to the provisions of the act to which this is an amendment, and the act to create a permanent agricultural fund, passed February 8th, 1847, and all moneys paid into the treasuries of the several counties and the provisions of this act, shall be paid over and disposed of according to the provisions of the act last above mentioned.

Persons exhibiting show must have permit from county auditor.

SEC. 3. Nothing in this act shall be construed to interfere with the right or power of any incorporated town or city in this State, to impose a license upon all shows exhibited in such town or city in addition to that imposed by this act.

Towns not prohibited from imposing license.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 21, 1849.

AN ACT

To amend an act to provide for the recording of town plats, passed March 3, 1831.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That from and after the passage of this act, whenever any person wishes to lay out any town or any subdivision or addition thereto, it shall be lawful for such person to cause the same to be surveyed, laid out and platted in the manner prescribed by the first section of the act to which this is an amendment, by any competent surveyor at his discretion, and the plat or map so made shall be equally valid as if the same had been made by the county surveyor.

JOHN G. BRESLIN,

Speaker House Reps.

BREWSTER RANDALL,

Speaker of the Senate.

March 22, 1849.

AN ACT

To amend an act entitled an act for the support and better regulation of Common Schools, and to create permanently the office of Superintendent, passed March 7, 1838, and the acts amendatory thereto.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That in all cases in any township in this State, the trustees shall have heretofore for any cause failed to lay off the whole or any part of the territory of their respective townships into school districts in accordance with the statutes for such purpose provided, said trustees shall have power so to do at any time hereafter, in the manner prescribed in the fifth section of the said act, passed March 7, 1838.

SEC. 2. That where the trustees of any township in this State have laid off their respective townships in school districts, or wherever a new district or an alteration has been made in a district, said trustees may within six months from the passage of this act, prepare a map or plat of their said township, or the township clerk of said township may make out and record a new map of the districts in the township, in accordance with the provisions of the fifth section of the act of March 7, 1838, entitled an act for the support and better regulation of common schools and to create permanently the office of superintendent. And when the said plat or map shall be prepared or made out and recorded as aforesaid, it shall be deemed and taken as a full compliance with and shall have the same effect as if the

Any surveyor
may lay out
town.

Township trustees
may at any
time divide
township into
school districts.

When maps of
school districts
may be made
out.

same had been done at the time limited by the provisions of said fifth section of the aforesaid act.

JOHN G. BRESLIN,
Speaker House Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

March 24, 1849.

AN ACT

To amend the several acts incorporating turnpike companies in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That any company heretofore incorporated in this State for the purpose of constructing a turnpike road, may construct said road or any part thereof, by covering the same with plank not less than two and a half inches thick, of sufficient width for the accommodation of teams, and in a good and substantial manner, instead of covering the same with stone or gravel; Provided, no company shall take any timber with which to plank the road without the consent of the owner or owners thereof.

Turnpike companies may use plank instead of stone.

JOHN G. BRESLIN,
Speaker House Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

March 20, 1849.

AN ACT

To give additional security to land titles in this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the several courts of chancery in this State shall be authorized and empowered to correct, amend and relieve against any errors, mistakes, or defects occurring in the deed or other conveyance of any husband and wife, hereafter to be executed and intended to convey or encumber the lands or estate of the wife, or her right of dower in the lands of her husband, in the same manner and to the same extent as the said courts are or shall be authorized or empowered to correct errors, mistakes, or defects in the deeds or conveyances of any other persons.

Courts of chancery may correct errors.

Actions of ejection must be commenced within seven years.

SEC. 2. That no action of ejection or other action for the recovery of lands or tenements, shall be brought against any person claiming under or by virtue of any judicial sale, or any sale of forfeited or other lands for taxes, except within seven years after open and notorious possession taken and continued by the defendant or the person or persons under whom he may or shall claim. And every sale of lands or tenements under any judgment, decree or order of a court of competent jurisdiction, whether made by a sheriff, coronor, marshal, executor, administrator, or master in chancery, shall be deemed a judicial sale within the meaning of this act. But all persons, whose right of action shall or may have occurred before the passage of this act, shall be at liberty to bring their actions at any time within five years after the passage of this act, although the term of seven years herein before limited, may have previously expired. And if any person shall be an infant or feme covert, or insane, or imprisoned at the time of the adverse entry, he or she shall be entitled to bring his or her action any time within five years after his or her disability shall have been removed: Provided, that nothing herein contained shall, in any case, be construed to extend the time for bringing any action for the recovery of lands or tenements beyond the period limited in the second section of the act for the limitation of actions, passed February 18, 1831.

Sales under this act judicial sales.

When infants, &c., may commence action.

SEC. 3. That every county auditor hereafter delivering any certificate of purchase of forfeited lands, or other lands sold for taxes, shall immediately, on his duplicate, transfer the same into the name of the purchaser, charging therefor the sum of ten cents, which shall be considered part of the expenses of the sale. And if any county auditor shall neglect to make such transfer he shall be liable to an action by any person injured thereby as for a neglect of official duty.

SEC. 4. This act shall take effect and be in force from and after the first day of April next.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 22, 1849.

AN ACT

To authorize the Canal Fund Commissioners to exchange certain certificates of the funded debt of this State.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio,* That the Canal Fund Commissioners be, and the same are hereby authorized to redeem the five and six per cent. certificates of the funded debt of this State, payable after eight-

Canal fund commissioners may redeem certain stocks.

een hundred and fifty, with the consent of the holders of said certificates, by issuing and giving in exchange therefor, certificates payable after eighteen hundred and sixty; Provided, that neither class of certificates shall be paid out for less than their par value, and that said commissioners for the five per cent. certificates, shall not issue new certificates, bearing a higher rate of interest than five per centum per annum, and for the six per cent. certificates, they shall not issue new certificates bearing a higher rate of interest than six per centum per annum.

SEC. 2. That the act passed February 24th, 1848, entitled an act to authorize the canal fund commissioners to exchange certain certificates of the funded debt of the State be, and the same is hereby repealed.

Act repealed.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 21, 1849.

AN ACT

To amend the act entitled an act to create the office of Attorney General and to prescribe his duties, passed February 16th, 1846, and the act amendatory thereof.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That after the expiration of the term of office of the present incumbent, or a vacancy therein by death, resignation or any other event, the Attorney General shall be elected for the period of five years, and no longer, by the electors of this State, in the same manner and at the same places as the Governor is chosen, and all elections to the said office of Attorney General shall be governed in making up, certifying and forwarding returns, by the several acts regulating elections for Governor now in force in this State.

Attorney Gen'l shall be elect'd.

SEC. 2. Upon proceedings instituted by the Attorney General in quo warranto, if the summons be returned not served, the clerk of the supreme court of Franklin county shall make out and cause to be published for four successive weeks, in some newspaper published in said county, a notice of the filing of the information, setting forth the substance thereof, and if the defendant shall not plead to such information in thirty days after the last publication, judgment may be rendered on such default in like manner as if the writ had been returned duly served.

Proceedings in quo warranto.

SEC. 3. Nothing in the act to which this is amendatory, shall be so construed as to prevent taking the depositions of witnesses whose residence may be out of the county of Franklin.

Dep'titi'ns may be taken out of Franklin co.

SEC. 4. That all acts and parts of acts inconsistent herewith are repealed.

JOHN G. BRESLIN,
Speaker House Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

March 19, 1849.

AN ACT

To amend the act to regulate literary and other societies, passed March 11, 1845, and for other purposes.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the act to regulate literary and other societies, passed March 11, 1845, shall be construed to extend to masonic lodges, and chapters and lodges of independent order of odd fellows, and divisions of sons of temperance, to the same extent as if they were enumerated therein.

JOHN G. BRESLIN,
Speaker House Reps.
 BREWSTER RANDALL,
Speaker of the Senate.

March 22, 1849.

AN ACT

To amend an act for the relief of occupying claimants of land.

SEC. 1. *Be it enacted by the General Assembly of the State of Ohio*, That the occupying claimant of land, holding by any such title or in such manner as is pointed out in the act for the relief of occupying claimants of land, passed March 10, 1831, of which this is amendatory shall, after judgment rendered against him and in favor of the successful claimant, have an option to demand payment from said successful claimant of the full value of his lasting and valuable improvements made on the land in controversy, before the commencement of the suit, or to pay to the successful claimant the value of the land without the improvements made thereon, at his discretion.

SEC. 2. That if said occupying claimant shall elect to retain the land, he may tender to the successful claimant a sum of money equal to the value of the land in a state of nature, or if he shall elect to receive payment for his improvements, the

Occupying claimant may demand payment for his improvements.

Tender for land or improvements may be made.

successful claimant may tender to him a sum of money equal to the value of his improvements, but if such tender shall in either case be refused, unless the jury empanelled under the provisions of the third section of said before mentioned act, shall assess a larger sum in favor of the party so refusing than the amount tendered exclusive of interest from the time of the tender, the party refusing shall pay the full costs of the proceeding. But if the jury shall assess a greater sum than the amount so tendered exclusive of interest, then the party making the insufficient tender shall pay the costs, for which, if necessary, judgment may be rendered and execution issued as in other cases.

Sec. 3. Husbands may act on behalf of their wives, and guardians on behalf of their wards, under the provisions of this act, and all the provisions of said act, of which this is amendatory, shall remain in full force, except so far as they are modified or changed by this act.

Husbands may
act for wives,
&c.

JOHN G. BRESLIN,
Speaker House Reps.
BREWSTER RANDALL,
Speaker of the Senate.

March 22, 1849.

SECRETARY OF STATE'S OFFICE,
Columbus, Ohio, May 1, 1849.

I hereby certify that the foregoing acts are true copies of the original rolls, now on file in this office.

SAM'L GALLOWAY,
Secretary of State.



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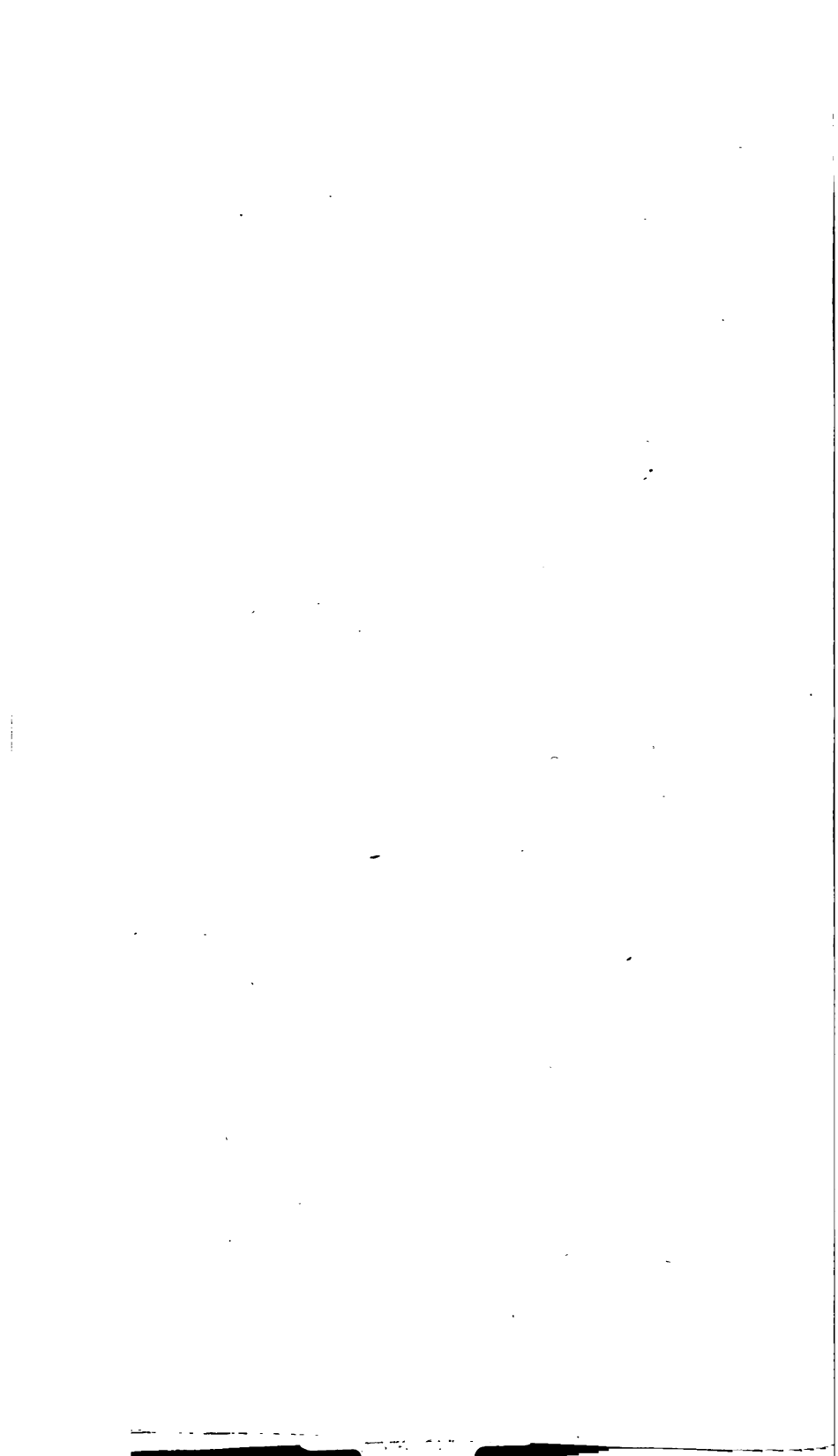
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